

**Petition For Revival Of An Application For Patent Abandoned
Unintentionally Under 37 CFR 1.137(b) (Large Entity)**

Docket No.
WWH-188

In Re Application Of:

LOFFLER et al.

Serial No.
09/284,155

Filing Date
July 14, 1999

Examiner
Forman, B.

Group Art Unit
1655

Invention: **METHOD FOR DETECTING RESISTANT FUNGAL CELLS IN CLINICAL MATERIAL**

RECEIVED

MAR 08 2001

ASSISTANT COMMISSIONER FOR PATENTS

Attention: Office of Petitions

Box DAC

Washington, D.C. 20231

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to a notice or action by the Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extension of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. ☒ A proposed reply to the above-identified notice or action:

☒ is enclosed. ☐ was filed on _____

The proposed reply is in the form of: _____

2. ☐ The issue fee:

☐ is enclosed. ☐ was paid on _____

3. ☒ The abandoned application was a:

☐ design application. ☒ utility application. ☐ plant application.

4. ☐ A terminal disclaimer (and fee) disclaiming a period equivalent to the period of abandonment is enclosed.

5. ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

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Invention: **METHOD FOR DETECTING RESISTANT FUNGAL CELLS IN CLINICAL MATERIAL**

Calculation and Payment of Fees

Enclosed are the following fees:

- | | |
|---|-----------------------------|
| 6. <input checked="" type="checkbox"/> Petition fee under 37 CFR 1.17(m) in the amount of: | <u>\$1,240.00</u> |
| 7. <input type="checkbox"/> Fee for amendment in the amount of: | <u> </u> |
| 8. <input type="checkbox"/> Fee for extension of time to respond to Office Action in the amount of: | <u> </u> |
| 9. <input type="checkbox"/> Issue fee in the amount of: | <u> </u> |
| 10. <input type="checkbox"/> Continuing application filing fee in the amount of: | <u> </u> |
| 11. <input type="checkbox"/> Terminal disclaimer fee in the amount of: | <u> </u> |
| 12. <input type="checkbox"/> _____ | <u> </u> |
| Total fees enclosed: <u>\$1,240.00</u> | |

The fee of **\$1,240** is to be paid as follows:

- ☒ A check in the amount of the fee is enclosed.
 - ☒ The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 11-0231.
- A duplicate copy of this sheet is enclosed.

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LOFFLER et al.

Serial No.
09/284,155

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July 14, 1999

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1655

Invention: **METHOD FOR DETECTING RESISTANT FUNGAL CELLS IN CLINICAL MATERIAL**

Statement

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.


Signature

Dated: **1/17/2001**

Steven J. Moore, Reg. No. 35,959
Cummings & Lockwood
Granite Square
700 State Street
P.O. Box 1960
New Haven, CT 06509-1960
Telephone: (203) 351-4333

I certify that this document and fee is being deposited on **Jan. 17, 2001** with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.


Signature of Person Mailing Correspondence

Edith D. Sillman
Typed or Printed Name of Person Mailing Correspondence

cc:

UTILITY PATENT APPLICATION TRANSMITTAL

(Larg Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
WWH-188.1

Total Pages in this Submission

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TO THE ASSISTANT COMMISSIONER FOR PATENTS

B x Patent Application
Washington, D.C. 20231

MAR 08 2001

OFFICE OF PETITIONS

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

METHOD FOR DETECTING RESISTANT FUNGAL CELLS IN CLINICAL MATERIAL

and invented by:

Jurgen LOFFLER
Hermann EINSELE

If a CONTINUATION APPLICATION, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/284,155

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Which is a:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 28 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☐ Cross References to Related Applications (if applicable)
 - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
 - d. ☐ Reference to Microfiche Appendix (if applicable)
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☐ Brief Description of the Drawings (if drawings filed)
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	LÖFFLER, et al.	Art Unit:	Not Assigned
Serial No.:	Not Assigned	Examiner:	Not Assigned
Filing Date:	April 8, 1999	Docket No.:	WWH-188
Title:	Method for Detecting Resistant Fungal Cells in Clinical Material		

BOX PCT

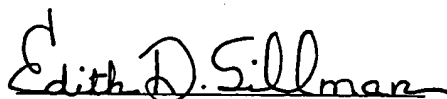
Assistant Commissioner for Patents
Washington, D.C. 20231

"Express Mail Mailing Label Number: EL088351361US

Date of Deposit: April 8, 1999

I hereby certify that the attached Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (2 pages); 28 pages of specification, including 4 pages of claims and 1 page of Abstract; 3 pages of Sequence Listing; computer disk containing Sequence Listing; copy of the published PCT application (WO 98/17825); International Search Report with cited documents; copy of Preliminary Examination Report; Information Disclosure Statement; Form PTO-1449 with cited references; check in the amount of \$1,754.00 to cover the filing fee; and a return postal card are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Box PCT, Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: April 8, 1999



Edith D. Sillman
CUMMINGS & LOCKWOOD
Four Stamford Plaza
P.O. Box 120
Stamford, CT 06904-0210

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Loffler and Einsele)
)
Serial No.: 09/300,249)
)
Filed: July 14, 1999)
)
For: METHOD FOR DETECTING)
RESISTANT FUNGAL CELLS)
IN CLINICAL MATERIAL)

Group Art Unit: 1655

Examiner: Forman, B.

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OFFICE OF PETITIONS


BOX PATENT APPLICATION

Commissioner for Patents
Washington, D.C. 20231

"Express Mail Mailing Label Number: EL664115603US

Date of Deposit: January 17, 2000

I hereby certify that the attached Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b); check in the amount of \$1,240.00 to cover the petition fee; Application (28 pages) plus all documents originally filed; copy of Declaration, Power of Attorney, and Petition; Preliminary Amendment, Utility Patent Application Transmittal Form in duplicate; check in the amount of \$1,510.00 to cover the filing fee; and a return postal card are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: BOX PATENT APPLICATION, Assistant Commissioner for Patents, Washington, D.C. 20231.



Edith D. Sillman
CUMMINGS & LOCKWOOD
Four Stamford Plaza
P.O. Box 120
Stamford, CT 06904-0210

Date: January 17, 2001

UTILITY PATENT APPLICATION TRANSMITTAL
(Larg Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
WWH-188.1

Total Pages in this Submission

Application Elements (Continued)

3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
- a. ☐ Formal Number of Sheets _____
- b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
- a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
- b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
- c. ☐ With Power of Attorney ☐ Without Power of Attorney
- d. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application,
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Computer Program in Microfiche *(Appendix)*
7. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy *(identical to computer copy)*
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

8. ☐ Assignment Papers *(cover sheet & document(s))*
9. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
10. ☐ English Translation Document *(if applicable)*
11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Acknowledgment postcard
14. ☒ Certificate of Mailing
- ☐ First Class ☐ Express Mail *(Specify Label No.):* EL664115603US

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

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Acc mpanying Application Parts (C ntinued)

15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*

16. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

17. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
WWH-188.1

Total Pages in this Submission

Fee Calculation and Transmittal

CLAIMS AS FILED

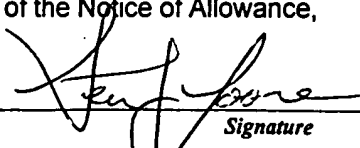
For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	18	- 20 =	0	x \$18.00	\$0.00
Indep. Claims	13	- 3 =	10	x \$80.00	\$800.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					\$0.00
BASIC FEE					\$710.00
OTHER FEE (specify purpose) _____					\$0.00
TOTAL FILING FEE					\$1,510.00

- ☒ A check in the amount of \$1,510.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit Deposit Account No. 11-0231 as described below. A duplicate copy of this sheet is enclosed.
- ☐ Charge the amount of _____ as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated:

11/17/01

cc:


Signature
Steven J. Moore, Reg. No. 35,959
Attorney for Applicants
Cummings & Lockwood
Granite Square
700 State Street
P.O. Box 1960
New Haven, CT 06509-1960
Telephone: (203) 351-4333